

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/619,444	FUKUI, NORIYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marivelisse Santiago-Cordero	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 3/29/06.
2. ☒ The allowed claim(s) is/are 2, 4 and 5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representatives Joseph Wrkich and Eckhard Kuesters on 4/11/06.

3. The application has been amended as follows:

Claim 2 (Currently Amended): A method for reporting a quality of a transmission channel between a transmitter and a receiver, comprising:

transmitting frames of data from said transmitter over said transmission channel to said receiver;

sending back from said receiver to said transmitter a non-acknowledgement information when a frame of data received by said receiver is detected as erroneous;

sending from said receiver to said transmitter, at scheduled reporting times, an information representative of the quality of the transmission channel at said reporting times;

sending in a same subframe the non-acknowledgement information from said receiver back to said transmitter together with information representative of the quality of the transmission channel at a time the non-acknowledgement information is sent, said time being different than said reporting times; and

sending said information representative of the quality of the transmission channel together with said non-acknowledgement information when the quality of the transmission

channel has deteriorated by at least a [[first]] predetermined amount over a last reported quality of the transmission channel.

Claim 4 (Currently Amended): A method for reporting a quality of a transmission channel between a transmitter and a receiver, comprising:

transmitting frames of data from said transmitter over said transmission channel to said receiver;

sending back from said receiver to said transmitter a non-acknowledgement information when a frame of data received by said receiver is detected as erroneous;

sending from said receiver to said transmitter, at scheduled reporting times, an information representative of the quality of the transmission channel at said reporting times;

sending in a same subframe the non-acknowledgement information from said receiver back to said transmitter together with information representative of the quality of the transmission channel at a time the non-acknowledgement information is sent, said time being different than said reporting times; and

sending back to said transmitter an acknowledgement information when a frame of data received by said receiver is detected as error-free, and if by a time said acknowledgement is sent, the quality of the transmission channel has improved by at least a [[second]] predetermined amount over a last reported quality of the transmission channel, the receiver additionally sends an information representative of the quality of the information channel at the time the acknowledgement information is sent.

4. The following is an examiner's statement of reasons for allowance:

5. Claims 2 and 4-5 are allowed.

Claim 2 is allowed because the closest prior art, Ahmed (Patent No.: 6,631,127) in view of Malladi et al. (Pub. No.: 20030210668), either singularly or in combination, fail to anticipate or render obvious a method for reporting a quality of a transmission channel between a transmitter and a receiver comprising sending information representative of the quality of the transmission channel together with non-acknowledgement information when the quality of the transmission channel has deteriorated by at least a predetermined amount over a last reported quality of the transmission channel in combination with all other limitations in the claim(s) as defined by applicant.

Claim 4 is allowed because the closest prior art, Ahmed (Patent No.: 6,631,127) in view of Malladi et al. (Pub. No.: 20030210668), either singularly or in combination, fail to anticipate or render obvious a method for reporting a quality of a transmission channel between a transmitter and a receiver comprising if by a time an acknowledgement is sent, the quality of the transmission channel has improved by at least a predetermined amount over a last reported quality of the transmission channel, the receiver additionally sends an information representative of the quality of the information channel at the time the acknowledgement information is sent in combination with all other limitations in the claim(s) as defined by applicant.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571)

Art Unit: 2617

272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSC 4/11/06

MSC



LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER